

# COMPLAINT

(for filers who are prisoners without lawyers)

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Thomas T. Winston

v.

Case Number:

(Full name of defendant(s))

Takata Corporation

(to be supplied by Clerk of Court)

### A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at  
(State)

PO Box 0700, Waupun, WI 53963  
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Takata Corporation  
(Name)

is (if a person or private corporation) a citizen of Japan

(State, if known)  
and (if a person) resides at \_\_\_\_\_  
(Address, if known)  
and (if the defendant harmed you while doing the defendant's job)  
worked for Takata Corporation  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On 12-09-2018 the plaintiff Thomas T. Winston was involved in a major side impact car accident in the city and state of Milwaukee, Wisconsin and none of the airbags that were equipped in the 2005 Mercedes-Benz 5500 owned by the plaintiff deployed at the time of impact nor when the vehicle struck a traffic signal pole after the initial side impact. The plaintiff incurred and suffered/suffers from back, brain, skull and neck injuries due to the lack of protection from the airbags in the plaintiff's 2005 Mercedes-Benz 5500. The Takata Corporation is based in Japan and the

Company has admitted that it's employees knew about the potential problems with it's airbag inflators as early as the year of 2000. The company acknowledged that it manipulated testing data that it provided to automakers, convincing them to buy Takata's airbags over those made by other manufacturers. Since the accident the plaintiff has been dealing with extreme depression, anxiety, embarrassment, loss wages, homelessness and an overall decline of the quality of life. A police report is on record in regards to this incident and there were multiple pictures taken of the vehicle at the scene of the accident by the Milwaukee Police department. There are also hospital records and bills available, the plaintiff recieved 30 plus staples in his head.

C. JURISDICTION

☐ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☒ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ 2,500,000.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

A monetary award in the amount of \$2,500,000 to compensate the plaintiff due to the injuries, medical bills, potential loss wages, pain and suffering and punitive damages caused by the defendants negligence and strict liability of a product that was made, promoted and sold by the defendant.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 16 day of May 2020.

Respectfully Submitted,

Shannon J. Liberto

Signature of Plaintiff

424790

Plaintiff's Prisoner ID Number

P O Box 0700, Waupun, WI 53963

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE**



I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.